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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

v.

DOUG BURGUM, et al.,

Defendants,

SABLE OFFSHORE CORP.,

Intervenor-Defendant.

Case No. 2:24-cv-05459-MWC-MAA

**JOINT STATUS REPORT AND
PROPOSED SCHEDULING
ORDER**

Pursuant to this Court's order of October 16, 2025, Dkt. No. 101, Plaintiffs, Federal Defendants, and Intervenor-Defendant hereby provide the following status report and proposed schedules for further proceedings.

I. Current Status of the Case

Plaintiffs' currently operative First Supplemental and Amended Complaint for Declaratory and Other Relief, Dkt. No. 38-2, alleges four causes of action:

- First Cause of Action: alleges that the Bureau of Safety and Environmental Enforcement ("BSEE") violated the Outer Continental Shelf Lands Act ("OCSLA") and Administrative Procedure Act ("APA") in approving a 2023 extension of time to resume operations for offshore leases ("2023 Extension");
- Second Cause of Action: alleges that BSEE violated the National Environmental Policy Act ("NEPA") and the APA in approving the 2023 Extension relying on a categorical exclusion ("CatEx");
- Third Cause of Action: alleges that BSEE violated NEPA and the APA by approving applications for permits to modify ("APM") for well-reworking operations at existing wells relying on CatExs;
- Fourth Cause of Action: alleges that BSEE violated NEPA by failing to supplement existing NEPA analysis or prepare a new NEPA analysis.

In their cross-motions for summary judgment, Federal Defendants, Dkt. No. 75, and Intervenor-Defendant, Dkt. No. 76-1, raised multiple arguments, including (1) that Plaintiffs' claims challenging the 2023 Extension are moot because on May 28, 2025, BSEE relied on an Environmental Assessment ("EA"), and issued a Finding of No Significant Impact ("FONSI") and on May 29, 2025 BSEE issued a corresponding decision under OCSLA re-affirming the 2023 Extension ("Reevaluation of Santa Ynez Unit Lease Extension"); (2) that Plaintiffs' claims challenging the APMs are moot because the work under the two approved APMs was completed and cannot be undone; (3) that the 2023 Extension complied with OCSLA and NEPA, with the Federal Defendants also arguing that the national

1 interest determination is committed to agency discretion; (4) that the APM
2 approvals complied with NEPA; and (5) that BSEE has no obligation to
3 supplement its prior NEPA analyses for the Santa Ynez Unit because there is no
4 ongoing major federal action.

5 On September 24, 2025, the Court denied all three cross-motions for
6 summary judgment, Dkt. No. 89, and issued its order of October 16, 2025, Dkt.
7 No. 101, requiring the Parties to meet and confer to develop a schedule for the
8 conduct of the case going forward.

9 **II. Proposed Schedule**

10 Plaintiffs plan to file an amended/supplemental complaint that will add
11 claims challenging Federal Defendants' May 28, 2025 EA/FONSI on the
12 ExxonMobil/Sable Offshore Corporation Lease Extension of the Santa Ynez Unit;
13 and Federal Defendants' May 29, 2025 Reevaluation of Santa Ynez Unit Lease
14 Extension. Federal Defendants and Intervenor-Defendant reserve all rights to
15 challenge the amended/supplemental complaint including on jurisdictional
16 grounds.

17 Based on conversations to date, the Parties believe that there is likely to be
18 substantial disagreement regarding the proper scope of the administrative record
19 and/or Plaintiffs' ability to take limited discovery on their new claims—a dispute
20 they will likely need the Court to resolve. Specifically, it is Federal Defendants'
21 and Intervenor-Defendant's position that the Court's review must be limited to the
22 administrative record, and discovery would not be appropriate here. *Animal Def.*
23 *Council v. Hodel*, 840 F.2d 1432, 1435-38 (9th Cir. 1988), *amended*, 867 F.2d
24 1244 (9th Cir. 1989) (upholding district court decision in APA and NEPA case to
25 limit the scope of review to the administrative record and prohibit discovery where
26 plaintiffs had not demonstrated exception applied to the general rule that review of
27 agency action is limited to the administrative record). Plaintiffs disagree with this
28

position given the Court's decision on summary judgment in this case.

Accordingly, the Parties agree that any schedule should be initially limited to a briefing schedule for a motion to complete the administrative record and/or motion for leave to seek discovery, with the Parties then filing a proposed schedule for resolving the merits of the case within 14 days of the Court's resolution of the scope of the administrative record and/or discovery-related motion.

Plaintiffs propose the following schedule:

Plaintiffs file amended/supplemental complaint	November 10, 2025
Federal Defendants' and Intervenor-Defendant's deadline to file their respective answer or motion to dismiss Plaintiffs' amended/supplemental complaint	November 24, 2025
Federal Defendants file the updated administrative record on Plaintiffs' amended/supplement complaint	December 19, 2025
Plaintiffs' and Intervenor-Defendant's deadline to file any motion to complete the administrative record and/or for leave to seek discovery	January 16, 2026
Deadline for any Party to file any opposition to such motion(s)	February 13, 2026
Plaintiffs' and Intervenor-Defendant's deadline to reply in support of their respective motion(s) to complete the administrative record and/or for leave to seek discovery	February 27, 2026
Hearing on any motion(s) by Plaintiffs and/or Intervenor-Defendant to complete the record and/or for leave to seek discovery	March 13, 2026
Joint proposed schedule for further proceedings to resolve the merits of the case	Within 14 days of the Court's order resolving Plaintiffs' and/or Intervenor-Defendant's

	motion(s) to complete the record and/or for leave to seek discovery
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In light of the ongoing lapse in federal appropriations, Federal Defendants propose the following schedule, which would be tied to the date on which appropriations are restored:

Plaintiffs file amended/supplemental complaint	7 days from the date appropriations are restored
Federal Defendants' and Intervenor-Defendant's deadline to file their respective answer or motion to dismiss Plaintiffs' amended/supplemental complaint	21 days from amended/supplemental complaint deadline
Federal Defendants file the updated administrative record on Plaintiffs' amended/supplement complaint	28 days from complaint response deadline
Plaintiffs' and Intervenor-Defendant's deadline to file any motion to complete the administrative record and/or for leave to seek discovery	28 days from administrative record deadline
Deadline for any Party to file any opposition to such motion(s)	28 days from administrative record/discovery motion deadline
Plaintiffs' and Intervenor-Defendant's deadline to reply in support of their respective motion(s) to complete the administrative record and/or for leave to seek discovery	14 days from opposition deadline
Hearing on any motion(s) by Plaintiffs and/or Intervenor-Defendant to complete the record and/or for leave to seek discovery	14 days from reply deadline
Joint proposed schedule for further proceedings to resolve the merits of the case	Within 14 days of the Court's order resolving

	Plaintiffs' and/or Intervenor-Defendant's motion(s) to complete the record and/or for leave to seek discovery
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Intervenor-Defendant joins Federal Defendants' proposed schedule.

In the event no administrative record or discovery-related motion is filed, the Parties will propose a schedule for resolving the merits of the case within 14 days of the deadline for Plaintiffs/Intervenor-Defendant to file a motion to complete the administrative record and/or motion for leave to seek discovery. The Parties reserve the right to reassert any arguments previously raised in their respective motions for summary judgment that were not decided by the Court's Order dated September 24, 2025 denying summary judgment, Dkt. 89.

Respectfully submitted this 3rd day of November 2025,

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